

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**TYREE STOVALL,**

**Defendant.**

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**8:06CR416**

**ORDER**

This matter is before the court on the motion for an extension of time by defendant Tyree Stovall Stevenson (Stovall) (Filing No. 15). Stovall seeks until January 22, 2007, in which to file pretrial motions in accordance with the progression order (Filing No. 10). Stovall's counsel represents that Stovall will file an affidavit wherein he consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act . Upon consideration, the motion will be granted.

**IT IS ORDERED:**

1. Defendant Stovall's motion for an extension of time (Filing No. 15) is granted. Stovall is given until **on or before January 22, 2007**, in which to file pretrial motions pursuant to the progression order. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **January 9, 2007 and January 22, 2007**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendants' counsel require additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

2. The evidentiary hearing tentatively scheduled for 2:00 p.m. on January 19, 2007, is **canceled** and will be rescheduled, if necessary, following the filing of any pretrial motions in accordance with this order.

DATED this 9th day of January, 2007.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge